

REMARKS

Entry of the above amendments and consideration of the following remarks are respectfully requested. Up entry of these amendments this application will contain claims 2-4, 6, 11-13, 16, and 23. The application was originally filed as a national stage entry of PCT/US04/35527 (WO 07/0105951) with claims 1-22. In a preliminary amendment filed 5 November 2006, the claims were amended and claims 17-22 were canceled. In a second amendment filed 12 October 2007 claims 2-4, 7, and 9 were amended. In this Submission as noted below, the claims have been further amended; claims 1, 5, 7-10, 14-15 have been canceled; and new independent claim 23 has been added. As discussed more fully below it is believed that the application is now in condition for allowance. Prompt examination of the remaining claims leading to allowance of all claims is respectfully requested.

I. Claim Rejections Under 35 USC §112, first paragraph

Claims 2 and 4 were rejected under 35 USC §112, first paragraph as being indefinite. Specifically, it was noted that claim 2 recites compounds were not included in independent claim 1, i.e., compounds in which the R4/R5 variables were halogen. Claim 2 has been amended to delete these compounds

It was also note that claim 4 recites ester prodrugs. Claim 4 has been amended to delete reference to ester prodrugs.

In light of the above withdrawal of these rejections is respectfully requested.

II. Claim Rejections Under 35 USC §112, second paragraph

Claims 1, 2, 4, 5, and "dependent claims" were rejected under 35 USC §112, second paragraph, it was stated that the specification does not reasonable provide enablement for the plurality of possible structures claimed. Claims 1 and 5 have been canceled therefore this rejection of moot for these claims.

New independent claim 23 has been added. It is believed that specification provides sufficient description to enable one skilled in the art to make and use the claimed compounds. Particularly, Examples 1-14 provide sufficient description to make the full scope of the claimed invention. (See US2007/015951, ¶0360 General Procedures and Examples 1-14, ¶¶361-422.) One skilled in the art, such as a physician, to will be able to prescribe use of the claimed compounds for treatment of mammals afflicted with diseases states mediated by vitamin D receptors. Further, the application describes representative formulations and

treatment methods for these compounds. (Id at ¶271-359.) Claims 2 and 4 now depend from claim 23.

In light of the above withdrawal of the rejections of claims 1, 2, 4, and “dependent claims” is requested.

III. Withdrawn Claims

Up indication of an allowable compound claim, the applicants request rejoinder of the withdrawn method claims 11-13 and 16.

V. Conclusion

In light of the above comments, withdrawal of all remaining rejections is requested. The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Submission or other issues that may be resolved in that fashion.

Respectfully submitted,

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